

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KENT D. HARRIS
Deputy Attorney General
4 State Bar No. 144804
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-7859
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-441

12 **MARIA LUZ MACALDO WAID**
915 Spring Brook Drive
13 Allen, Texas 75002

A C C U S A T I O N

14 **Registered Nurse License No. 742524**

15 Respondent.

16
17 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 **Registered Nurse License**

22 2. On or about January 14, 2009, the Board issued Registered Nurse License
23 Number 742524 to Maria Luz Macaldo Waid ("Respondent"). The Registered Nurse License
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 September 30, 2014, unless renewed.

26 ///

27 ///

28 ///

1
2 **JURISDICTION**

3 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
4 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
5 license, for any reason provided in Article 3 (commencing with Code section 2750) of the
6 Nursing Practice Act.

7 4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a
8 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
9 period within which the license may be renewed, restored, reissued, or reinstated.

10 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
11 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
12 to render a decision imposing discipline on the license.

13 **STATUTORY PROVISIONS**

14 6. Code section 2761 states, in pertinent part:

15 The board may take disciplinary action against a certified or licensed nurse or
16 deny an application for a certificate or license for any of the following:

17 (a) Unprofessional conduct, which includes, but is not limited to, the
18 following:

19 (4) Denial of licensure, revocation, suspension, restriction, or any other
20 disciplinary action against a health care professional license or certificate by another
21 state or territory of the United States, by any other government agency, or by another
22 California health care professional licensing board. A certified copy of the decision
23 or judgment shall be conclusive evidence of that action.

24 **COST RECOVERY**

25 7. Code section 125.3 provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

26 ///

27 ///

28 ///

1 CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline)

3 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
4 on the grounds of unprofessional conduct, in that effective August 17, 2010, the State of Texas
5 Board of Nursing, in a disciplinary action entitled *In the Matter of Registered Licensed Nurse*
6 *License Number 719832 Issued to Maria Luz Macaldo Waid*, issued an *Agreed Order* (attached
7 hereto as **Exhibit A** and incorporated herein by reference) sanctioning Respondent with a
8 warning with stipulations. The disciplinary action was based on Respondent's failure on or about
9 November 1, 2006, while employed in the emergency department of Richardson Regional
10 Medical Center, in Richardson, Texas, to timely intervene in the changing condition of Patient A,
11 including Patient A's progressing respiratory distress, declining blood pressure, and eventual
12 cardiopulmonary arrest and death.

13 PRAYER

14 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 742524, issued to
17 Maria Luz Macaldo Waid;

18 2. Ordering Maria Luz Macaldo Waid to pay the Board of Registered Nursing the
19 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
20 125.3; and,

21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: December 3, 2012

23 *fr* *Louise R. Bailey*
24 LOUISE R. BAILEY, M.ED., R.N.
25 Executive Officer
26 Board of Registered Nursing
27 State of California
28 Complainant

SA2012107953
10992060.doc

EXHIBIT A

Agreed Order Eff. August 17, 2010

In the Matter of Registered Licensed Nurse License Number 719832 Issued to Maria Luz Macaldo Waid
State of Texas Board of Nursing

Nursys Speed Memo

From: CA - KRISTIE POWELL

Date: 03/13/2012 5:27 PM

To: TEXAS

Category: Discipline General

Regarding Nurse:

WAID, MARIA LUZ MACALDO | CALIFORNIA-RN RN 742524

WAID, MARIA LUZ MACALDO | TEXAS RN 719832

Subject: certified docs

Attachments:

Please send certified copy of all disciplinary documents on the above subject to:

Clarissa Rangel
Board of Registered Nursing
1747 North Market Blvd., Suite 150
Sacramento, CA 95834

Thank you,
Kristie Powell
(916) 574-7606

3/29/12
SPEED LETTER

**In the interest of speed and economy, we are answering
your inquiry on your letter. If you need more information
please notify us.**

Andrea Gonzalez
~~Allison Hassinger~~
Texas Board of Nursing
(512) 305-6869
8657

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 719832	§	
issued to MARIA LUZ MACALDO WAID	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that MARIA LUZ MACALDO WAID, hereinafter referred to as Respondent, Registered Nurse License Number 719832, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on May 4, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Courtney Newton, Attorney at Law. In attendance were Bonnie Cone, MSN, RN, Nursing Practice Consultant, Executive Director's Designee; Mary Beth Thomas, PhD, RN, Director of Nursing; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Marcia Wilson, RN, Investigator; and Dominique Mackey, Investigator.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Collin County Community College, McKinney, Texas, on May 13, 2005. Respondent was licensed to practice professional nursing in the State of Texas on August 9, 2005.

5. Respondent's nursing employment history includes:

08/09/2005 - 12/2008	Staff Nurse Medical Surgical/Cardiac Telemetry Emergency Room	Baylor Medical Center at Garland Garland, Texas
06/2006 - 11/2006	Staff Nurse Emergency Room	Richardson Regional Medical Center Richardson, Texas
02/2007 - 08/2008	Staff Nurse - Contract Medical Surgical/Cardiac Telemetry/Postpartum/ Rehab	RHD Memorial Medical Center Dallas, Texas
01/2009	Unknown	
02/2009 - Present	Staff Nurse Heart and Vascular Interventional Unit	Presbyterian Hospital of Dallas Dallas, Texas
02/2010 - Present	Staff Nurse/Part-Time Medical Surgical	Presbyterian Hospital of Dallas Dallas, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse in the Emergency Department with Richardson Regional Medical Center, Richardson, Texas, and had been in this position for five (5) months.
7. On or about November 1, 2006, while employed in the Emergency Department of Richardson Regional Medical Center, Richardson, Texas, Respondent failed to timely intervene regarding changes of condition of Patient Number 228395, including progressing respiratory distress and declining blood pressure. The patient suffered cardiopulmonary arrest and died. Respondent's conduct may have contributed to the patient's demise.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that while she was completing documentation, a family member asked that she check on Patient Medical Record Number 228395. Respondent immediately went and evaluated the patient. She observed that the patient was having difficulty breathing. She then verbally called the Emergency Room (ER) doctor and charge nurse for assistance.

9. On or about June 2009, Respondent successfully completed a Board approved course in Cardiopulmonary Resuscitation (CPR) for Healthcare Providers, which would have been a requirement of this Order.
10. On or about July 2, 2009, Respondent successfully completed a Board approved course in Advanced Cardiovascular Life Support Program (ACLS), which would have been a requirement of this Order.
11. On or about August 20, 2009, Respondent successfully completed a Board approved course in Texas Nursing Jurisprudence and Ethics, which would have been a requirement of this order.
12. On or about September 3, 2009, Respondent successfully completed a Board approved course in Sharpening Critical Thinking Skills, which would have been a requirement of this order.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(M) and 22 TEX. ADMIN. CODE §217.12(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 719832, heretofore issued to MARIA LUZ MACALDO WAID, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE § 211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to MARIA LUZ MACALDO WAID, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(2) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT

SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(3) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(4) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(5) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

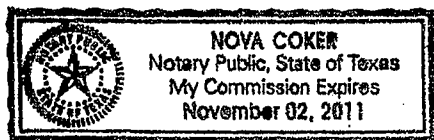
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14 day of July, 2010.

Maria Luz M. Waid
MARIA LUZ MACALDO WAID, Respondent

Sworn to and subscribed before me this 14th day of July, 2010.

SEAL



[Signature]
Notary Public in and for the State of Texas

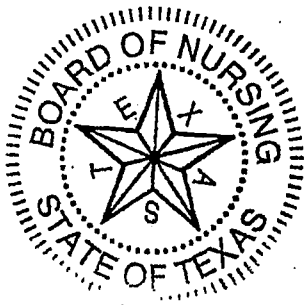
Approved as to form and substance.

[Signature]
Courtney Newton, Attorney for Respondent

Signed this 14th day of July, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of July, 2010, by MARIA LUZ MACALDO WAID, Registered Nurse License Number 719832, and said Order is final.

Effective this 17th day of August, 2010.



Katherine A. Thomas

Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board